

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:01CR66**

UNITED STATES OF AMERICA)	
)	
vs.)	
)	ORDER
JAMES EDGAR MUNSON (2) and)	
RONALD WASHINGTON (6),)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on its own motion. On May 30, 2003, a jury found both Defendants guilty of conspiracy to possess with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841, 846 (Count One), and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956 (Count Two). On December 18, 2003, this Court sentenced Defendant Munson to 121 months imprisonment on both Count One and Count Two, with the terms of imprisonment to run concurrently. Likewise, on November 15, 2004, this Court sentenced Defendant Washington to 121 months imprisonment on both Count One and Count Two, with the terms to run concurrently. On November 17, 2004 and March 4, 2004, Defendants Washington and Munson, respectively, filed Notices of Appeal. On May 17, 2006, the United States Court of Appeals for the Fourth Circuit affirmed the Defendants' convictions but remanded them for re-sentencing pursuant to *United States v. Collins*, 415 U.S. 304 (4th Cir. 2005). The Fourth Circuit noted that with regard to Count One, both the Bill of Indictment and verdict form asked the jury to determine the amount of drugs attributable to the entire conspiracy, not to each individual defendant. Consequently, the Fourth Circuit concluded that the sentences

were imposed in error. The Mandate issued on June 13, 2006.

At this time, both Defendants have been appointed counsel for purposes of re-sentencing. Although a date for the re-sentencing has not been scheduled, in order to properly prepare for such hearing, the Court requests that each party file a sentencing memorandum with the Court within fourteen (14) days of the date of this Order.¹ These sentencing memoranda should address the arguments raised by the Fourth Circuit, specifically with regard to the *United States v. Collins* issue, and should advise the Court of how the sentences should be calculated in light of the Fourth Circuit's ruling.

IT IS, THEREFORE, ORDERED that both Defendants and the Government shall file independent sentencing memoranda within **fourteen (14) days of the date of this Order.**

Signed: July 25, 2006



Richard L. Voorhees
United States District Judge



¹The Court is aware that counsel for Defendant Washington filed a Sentencing Memorandum on July 21, 2006. Unless additional information arises that results in an amendment to that Memorandum, Defendant Washington will not need to submit another memorandum to the Court.